IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.10876 of 1995

Between:

Paja Devender, S/o. Rajaiah,
R/o. Tekmal Village, Medak District.

..... PETITIONER

AND

1 The District Panchayat Officer,
Sangareddi, Medak District.
2 The Executive Officer,
Tekmal Gram Panchayat, Medak District.
3 Alluri Vittal, S/o. Ramaiah,
R/o. Tekmal Village & Mandal, Medak District.

(Writ Petition as against Respondent No.3 is dismissed for default as

per court order dated 05.08.2004)

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in not implementing the orders of the 1st respondent in proceedings No.458/95/A.3/pts dated 18-5-1995 as illegal, arbitrary, and consequently direct the 3rd respondent not to make any further construction in the southern side of the house in Tekmal Village and Mandal, Medak District.

Counsel for the Petitioner: MR.K.VENKATESH

Counsel for the Respondent Nos.1 and 2: Mrs. Jyothi Eswar Gogineni, GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for the Respondent No.3: --

The Court made the following :

ORDER:

The petitioner, in this writ petition, questions the inaction of the 2nd respondent-Executive Officer, Tekmal Gram Panchayat in not implementing the orders of the 1st respondent-District Panchayat Officer in proceedings No.455/95/A.3/Pts., dated 18.05.1995 and also to direct the 3rd respondent not to make any further construction on the southern side of his house in Tekmal village, Medak District.

The case of the petitioner in brief is that the 3rd respondent who is his neighbour has illegally occupied an extent of about 5 feet path way existing between his house and the house of the 3rd respondent and started illegal construction on the southern side of his plot. Then, he submitted a representation to the 2nd respondent on 7.4.1994. Since the 2nd respondent has not initiated any action, he preferred an appeal before the 1st respondent. The 1st respondent while entertaining his appeal has directed the 2nd respondent vide proceedings No.455/95/A.3/Pts., dated 18.05.1995 to stop the illegal construction carried out by the 3rd respondent. The grievance of the petitioner is that in spite of said directions and his representation dated 22.05.1995, the 2nd respondent did not take any action to stop the illegal construction carried out by the 3rd respondent. Hence, the writ petition.

A counter affidavit is filed by the 1st respondent stating that on the appeal filed by the petitioner, the 2nd respondent was instructed to stop the construction being carried out by the 3rd respondent vide his Memo No.455/95/A3-Pts., dated 18.05.1995 and

the 2nd respondent in his report dated 22.07.1995 has stated that he has stopped the construction of the house by the 3rd respondent on 25.06.1995 with police aid and at present no further construction is being carried out.

Heard the learned counsel for the petitioner and learned Government Pleader for Panchayat Raj and Rural Development.

Having regard to the fact that the 2nd respondent has already taken steps to prevent the encroachments made by the 3rd respondent as stated in the counter-affidavit, no further orders need be passed in this writ petition.

Accordingly, the writ petition is dismissed. No costs.

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(N.V. RAMANA, J)

Date: 03.11.2004

Nsr/Asp

To

1 The District Panchayat Officer,
Sangareddi, Medak District.
2 The Executive Officer,
Tekmal Gram Panchayat, Medak District.
3 Two CCs to GP for Panchayat Raj and Rural Development, High

Court Buildings, Hyderabad (OUT)

4 Two CD copies.